

**FAX TRANSMITTAL MEMO**

TO: Examiner Russel Kobert	COMPANY: U.S. Patent and Trademark Office	FAX #: 703-308-7382
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DATE: FROM: OPERATOR: CLIENT/MATTER: PAGES:	October 20, 2003 Morgan S. Heller II Karen Jeffer 02016-00115 16 (including cover)	Reviewed and approved for facsimile transmission by: <i>MSH</i>

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Comments**Request for Continued Examination**

BTV.252744.1

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PTO/SB/30 (09-03)

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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/751,355
Filing Date	12/28/2000
First Named Inventor	Donald J. Cook
Art Unit	2829
Examiner Name	Russell Marc Kobert
Attorney Docket Number	BUR920000172US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____

ii. ☐ Other _____

- b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. Fees

The RCE fee under 37 CFR 1.17(c) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 09-0456

i. ☒ RCE fee required under 37 CFR 1.17(c)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Morgan S. Heller II	Registration No. (Attorney/Agent)	44.756
Signature	<i>Morgan S. Heller II</i>	Date	10/20/03

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Morgan S. Heller II
Signature	<i>Morgan S. Heller II</i>
Date	10/20/03

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Cook et al.

Serial No.: 09/751,355

Filed: December 28, 2000

Title: System and Method of Testing a
Microelectronic Device Using a
Duel Probe Technique

Attorney Docket No.: 02016-00115

Group Art Unit: 2829

Examiner: Russell Marc Kobert

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 20, 2003

REQUEST FOR CONTINUED EXAMINATION (RCE)
(37 C.F.R. 1.114)

Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114,
for the above identified application.

This request is being submitted:

- ☒ Prior to abandonment of the application
- ☐ Payment of the issue fee
- ☐ Prior to payment of issue fee
- ☐ Issue fee has been paid but a petition under § 1.313 has been granted

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- ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
 - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
- ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or
 - ☐ Commencement of a civil action under 35 U.S.C. 146:
 - ☐ Prior to the filing of such appeal or commencement of civil action
 - ☐ Such appeal or commencement of civil action has been terminated

Enclosed herewith is:

- ☐ An information disclosure (37 C.F.S. § 1.98)
 - ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☒ An amendment
- ☐ New arguments
- ☐ New evidence in support of patentability
- ☐ Other:

This application is on behalf of:

- ☐ Small entity (and status is still as small entity) \$385.00
- ☒ Other than a small entity \$770.00

Continued Prosecution Request Fee: \$770.00

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TECHNOLOGY CENTER

The fee for claims (37 C.F.S. § 1.16(b)-(d)) has been calculated as shown below:

☒ No additional fee is required.

CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL 17	MINUS	17	= 0	x \$18.00/ \$9.00 =	\$0.00
INDEPENDENT 2	MINUS	2	= 0	x \$84.00/ \$42.00 =	\$0.00
1ST PRESENTATION OF MULTIPLE DEP. CLAIMS				\$280.00/ \$140.00 =	\$0.00
				TOTAL	\$0.00

REQUEST FOR EXTENSION OF TIME

The proceedings herein are for a patent application, and the provisions of 37 C.F.R.

§ 1.136(a)

- a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension period and fee:	<u>Small Entity</u>	<u>Large Entity</u>
<input checked="" type="checkbox"/> one month	\$ 55.00	\$110.00
(from Advisory Action/2 mo. Rule)		
<input type="checkbox"/> two months	\$210.00	\$420.00
<input type="checkbox"/> three months	\$475.00	\$950.00
<input type="checkbox"/> four months	\$740.00	\$1,480.00
	=====	=====
Fee:	\$	\$110.00

If an additional extension of time is required, please consider this a petition therefor.

- ☐ An extension for ___ months has already been secured, and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$110.00

OR

- b) ☐ Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

The total fees due are:

Continued Prosecution Fee (§1.17(e))	\$770.00
Fee(s) for additional claims (if any) (§ 1.16(b)-(d))	\$0
Extension of time fee (if any) (§1.17(a)(1)-(4))	<u>\$110.00</u>
Total Fee(s) Due	\$880.00

FEE PAYMENT

- ☐ Enclosed is our check no. _____ in the amount of \$_____ from Downs Rachlin Martin PLLC, which covers the fees listed above. Please charge any additional fees or credit overpayment to Deposit Account No. 04-1588.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 09-0456. A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 C.F.R. §1.16.
- ☒ Any patent application processing fees under 37 C.F.R. §1.17.

INVENTORSHIP

This application as amended names as inventors:

- ☒ the same inventors as previously designated for the claims.
- ☐ fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.
- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. §1.48 is/has separately: ☐ being filed ☐ been filed

DEFERRAL OF EXAMINATION

- ☐ A request for deferral of examination accompanies this request for continued examination.

Respectfully submitted,

DOWNS RACHLIN MARTIN PLLC

By: 

Morgan S. Heller II, Esq.

Registration No.: 44,756

Tel: (802) 863-2375

USPTO Customer No.: 21918

BTV/200952.1